



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

MAILED

MAR 31 2010

OFFICE OF PETITIONS

In re Application of	:	DECISION ON REQUEST
Masuda et al.	:	FOR RECONSIDERATION OF
Patent Number: 7,563,782	:	PATENT TERM ADJUSTMENT
Issue Date: 07/21/2009	:	and
Application No. 10/549510	:	NOTICE OF INTENT TO ISSUE
Filing or 371(c) Date: 09/20/2005	:	CERTIFICATE OF CORRECTION
Attorney Docket Number: 125413	:	

This is a decision on the petition filed on filed September 18, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by three hundred forty-four (344) days. This requested correction includes an assertion that the Office erred in assessing a delay of 82 days pursuant to 37 CFR 1.704(c)(10).

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by three hundred forty-four (344) days is **GRANTED to the extent indicated herein**.

A review of the application file history reveals that Applicants filed a copy of a marked-up copy of the specification and substitute specification on May 1, 2009, along with a copy of a return-receipt postcard acknowledging that the marked-up copy of the specification and substitute specification were filed in this Office on September 20, 2005. Further to this, the file history confirms that the marked-up copy of the specification and substitute specification were submitted at the Examiner's request. A review of the application history further confirms that the copy of the specification and substitute specification were not otherwise filed under circumstances that constitute a failure to engage in reasonable efforts to conclude prosecution. The period of reduction of 82 days entered for the filing of the marked-up copy of the specification and substitute specification is not warranted and is being removed.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an

opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by six hundred forty-eight (**648**) days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/

Derek L. Woods
Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,563,782 B2

DATED : July 21, 2009

INVENTOR(S) : Masuda et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 262 days.

Delete the phrase "by 262 days" and insert – by 648 days--